THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION Nos.24460, 24461, 24674, 24687, 24706 and 24750 of 2005

Dt:23.11.2005

W.P.No.24460 of 2004

Between:

O.Malleswar

… Petitioner

and

The Government of A.P. and others

… Respondents

W.P.No.24461 of 2005

Between:

K.Parthasaradhi

… Petitioner

and

The Government of A.P. and others

… Respondents

W.P.No.24674 of 2005

Between:

P.Raghavulu

… Petitioner

and

The Government of A.P. and others

… Respondents

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W.P.No.24687 of 2005

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Between:

P.Chandra Sekhar

… Petitioner

and

The Government of A.P. and others

… Respondents

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W.P.No.24706 of 2005

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Between:

M.Chandrasekhar

… Petitioner

and

The Government of A.P. and others

… Respondents

W.P.No.24750 of 2005

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Between:

R.Ganapathi

… Petitioner

and

The Government of A.P. and others

… Respondents

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COMMON ORDER:

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The petitioners were engaged on contract basis as Attenders by the Srikalahastheeswara Swamy Devasthanam, the third respondent herein, on the strength of permission accorded by the Commissioner of Endowments, the second respondent. On noticing that certain large-scale irregularities have taken place in such appointments in various Temples in the State, the Government of Andhra Pradesh, the first respondent, exercised *suo motu* powers of revision and set aside the appointments. A Batch of writ petitions came to be filed challenging such orders. The petitioners also filed writ petitions earlier. This Court disposed of the writ petitions directing that the first respondent shall examine the individual cases, issue notices to the affected parties and pass final orders. It is in this context that individual orders were passed against the petitioners terminating their services observing that the relevant procedure was not followed for engaging them. The petitioners challenge the said orders.

The learned counsel for the petitioners had urged several contentions touching on the merits. He, ultimately, contended that the third respondent has undertaken employment or engagement of Attenders on temporary basis to meet pressure of work on account of ensuing festivity. He submits that the case of the petitioners may be directed to be considered for such a course of action.

The learned standing counsel for the third respondent, on the other hand, submits that this Court as well as the first respondent took the view that any appointment shall be only through the process of issuing advertisements and after considering the claims of all the eligible persons and that the petitioners cannot be accorded any special treatment.

Though several contentions were put forward by the learned counsel for the

petitioners challenging the orders passed by the Government in the revision, this Court is not impressed by the same. The Commissioner and Devasthanam ought to have acted in an objective manner in the matter of ascertaining the vacancies and evolving the procedure for appointment. No exception can be taken to the observations made by the first respondent that indiscriminate appointments in Temples would not only cause unnecessary financial burden, but also would reflect upon the lack of transparency and sanctity. While a regular procedure needs to be followed in the matter of filling up the vacancies in the approved cadre, *ad hoc* engagement to meet the contingencies stands on a different footing. Even for this, necessary approval is to be accorded by the Commissioner and other competent authority.

The question as to whether the third respondent has engaged any person on daily wage basis to meet the exigencies of work or as to the nature of such appointment, is not before this Court. In such an event, the case of the petitioners can also be considered for short spells, to meet the pressure of the work without creating any future obligation for the Devasthanam.

For the foregoing reasons, the writ petition is disposed of directing that:

a. in case any appointments are made against the existing vacancies of the posts of Attenders, the prescribed procedure of issuing advertisements, inviting applications from eligible candidates, shall be followed and the case of the petitioners shall also be considered if they apply, as and when such steps are taken; and

b. if any temporary and *ad hoc* engagement of workers is undertaken for a limited tenure, without any recurring financial burden to the Temple, the case of the petitioners shall be considered, and even for such arrangements, approval of the competent authority shall also be obtained.

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23.11.2005

Note: Issue C.C. by Monday.

(B/o)

kdl